

Wednesday, 20 August, 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan

PROCEEDINGS IN CHAMBERS

On

Application by the prosecution that witness
YAMAMOTO be requested to remain in Tokyo for a
period of three weeks.

Before:

HON. SIR WILLIAM WEBB,
President of the Tribunal and
Member from the Commonwealth of
Australia.

Reported by:

Julian Wolf
Court Reporter
IMTAFE

Appearances:

For the Defense Section:

Mr. Ben Bruce Blakeney, Counsel for the
Accused UMEZU Yoshijiro;

Mr. George A. Furness, Counsel for the
Accused SHIGEMITSU Mamoru.

For the Prosecution Section:

Mr. Frank S. Tavenner, Jr.

For the Secretariat:

Judge Edward H. Dell, Legal Adviser.

The proceeding was begun at 1450.

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THE PRESIDENT: What is the application,
Mr. Tavenner?

MR. TAVENNER: The application is merely that
the witness be requested not to leave the vicinity of
Tokyo for a period of three weeks to give us the
opportunity to recall him should we deem it advisable.

THE PRESIDENT: Will you take three weeks to
know whether you want him again?

MR. TAVENNER: It is quite possible, sir. I
put it purposely at the outside limit, but I thought
of not more than a safe limit.

THE PRESIDENT: Can you see any objection to
the request, Major Blakeney?

MR. BLAKENEY: I do not see any objection to
the request. The only objection I have is to the Order.
In my country, one attaches the person of a person on
the showing that there is some threat or danger of his
departing. I do not know that there is in the case of
this witness. I just don't like the implication that
he is intending to escape, because he is not. In point
of fact, he is going to be a witness for me on an
individual phase.

THE PRESIDENT: You want him here as a matter

of convenience to the Tribunal.

MR. TAVENNER: That is all.

THE PRESIDENT: You do not know when you want him and the sooner the better. There is no security involved. You are asking that the request be made by the Tribunal.

If we intimate that it is the pleasure of the Tribunal that he remain in Tokyo for three weeks, must he notify us of his whereabouts from time to time?

MR. TAVENNER: I hardly think so, as we now know where his home is, and if he is going about his daily affairs in a normal way, we can locate him.

MR. FURNESS: That, of course, has been known since he first testified.

MR. TAVENNER: The only intimation about his escape was that made by counsel presenting the witness. None was made by me, and the request that I made is one generally made in the course of trials where a witness has not been finally disposed of.

Counsel says he has never heard of the procedure in his life. It happens almost every term in my court where a situation like that arises.

MR. BLAKENEY: As I say, I haven't talked to the witness. I have no idea that he has any intention of going anywhere. I do not like to see him put in the

position where he perhaps feels he is under restraint. As far as I know he has no intention of going anywhere at all.

MR. FURNESS: Suppose he wanted to go down to Atami, or some place like that, do you mean to say he could not go?

THE PRESIDENT: We could intimate it to the witness that it is the pleasure of the Tribunal that he should remain in Tokyo for three weeks until sooner advised, but that in the meantime, the Court will consider any request by him to be at liberty to proceed to any other part of Japan. That will not tie him up. If he wants to go to Atami, or somewhere else, he could go along.

MR. FURNESS: I think we could agree to produce him if the prosecution wanted him produced.

THE PRESIDENT: He is supposed to be in the custody of the Court, you know. We do not want to put a heavy hand on him.

(Whereupon, at 1453, the proceeding was concluded.)

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